

1 Haig V. Kalbian (Admitted *pro hac vice*)  
2 Mary M. Baker (Admitted *pro hac vice*)  
3 D. Michelle Douglas (CA Bar No. 190248)  
4 Aaron Knights (Admitted *pro hac vice*)  
5 Kalbian Hagerty L.L.P.  
6 The Brawner Building  
7 888 17<sup>th</sup> Street, N.W., Suite 1000  
8 Washington, D.C. 20006  
9 Phone: (202) 223-5600  
10 Facsimile: (202) 223-6625  
11 E-mail: hkalbian@kalbiantagerty.com  
12 mmb@kalbiantagerty.com  
13 mdouglas@kalbiantagerty.com  
14 aknights@ kalbiantagerty.com

## CLOSED

9 Louis R. Miller, Esq. (CA Bar No. 54141)  
9 Alexander Frid, Esq. (CA Bar No. 216800)  
Miller Baroness, LLP  
10 1999 Avenue of the Stars, Suite 1000  
10 Los Angeles, California 90067  
11 Phone: (310) 552-4400  
11 Facsimile: (310) 552-8400  
12 E-mail: smiller@millerbarondess.com  
12 sfrid@millerbarondess.com

*Counsel for Plaintiff Kevin So*

UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA  
(Western Division-Los Angeles)

KEVIN SO

**Plaintiff,**

V

LAND BASE LLC et al

## Defendants.

CASE NO. CV 08-03336 DDP (AGRx)

**JUDGMENT FOR SUM CERTAIN  
AGAINST DEFENDANTS LUCY LU  
AND HENRY YANG**

(Hon. Dean D. Pregerson)

## **Oral Argument Scheduled**

Date: Monday, April 22, 2013

Time: 10:00 am

Place: Courtroom 3, 2<sup>nd</sup> Floor

Plaintiff Kevin So, through counsel, having filed a Motion for Default Judgment against Lucy Lu and Henry Yang (collectively “Defendants”), and this case being one

1 appropriate for default judgment without a hearing, and good cause appearing, the Court  
2 hereby makes the following findings of fact and conclusions of law:

3 I. Plaintiff filed his Second Amended Complaint on June 12, 2009.

4 II. Defendants Lucy Lu and Henry Yang were served with process in this matter on  
5 August 31, 2009, and neither has answered or otherwise appeared to defend.

6 III. Defendants' default was entered on February 11, 2010, and the allegations  
7 contained in Plaintiff's Second Amended Complaint are deemed true.

8 IV. The damages sought herein are determinable by way of calculation and are  
9 appropriately awarded without a hearing.

10 V. Plaintiff has sufficiently proven his right to all damages awarded herein.

11 VI. Pursuant to 28 USC § 2412, Plaintiff is entitled to an award of his costs, in an  
12 amount to be determined pending submission of a Bill of Costs by Plaintiff.

13

14 **NOW, THEREFORE**, based upon the foregoing findings of fact and conclusions of law,  
15 the pleadings filed in this matter, and the evidence presented in Plaintiff's Motion for  
16 Default Judgment and accompanying Declaration:

17

18 **IT IS HEREBY ORDERED** that Judgment in Case No. CV 08-3336 DDP be and hereby  
19 is granted in favor of Plaintiff Kevin So, and jointly and severally against Defendant Lucy  
20 Lu and Defendant Henry Yang, as follows:

21 A. On Plaintiff's claim for unjust enrichment (Count 6 of the Second Amended  
22 Complaint):

23 1. Awarding compensatory damages of \$816,222.00;

24 2. Awarding pre-judgment interest at the rate of seven percent (7%) per  
25 annum, from July 31, 2008, through the date of issuance of this  
26 judgment;

27 3. Awarding costs in an amount to be determined following submission  
28 of a Bill of Costs;

- 1 4. Awarding interest on the foregoing amounts pursuant to 28 U.S.C.  
2 § 1961 from the date of judgment until paid in full;
- 3 5. Awarding post-judgment costs and attorneys' fees incurred in the  
4 collection of this judgment.

5 B. On Plaintiff's claim for constructive trust (Count 8 of the Second Amended  
6 Complaint):

- 7 1. Awarding compensatory damages of \$816,222.00;
- 8 2. Awarding pre-judgment interest at the rate of seven percent (7%) per  
9 annum, from July 31, 2008, through the date of issuance of this  
10 judgment;
- 11 3. Awarding costs in an amount to be determined following submission  
12 of a Bill of Costs;
- 13 4. Awarding interest on the foregoing amounts pursuant to 28 U.S.C.  
14 § 1961 from the date of judgment until paid in full;
- 15 5. Awarding post-judgment costs and attorneys' fees incurred in the  
16 collection of this judgment.

17 C. On Plaintiff's claim for breach of fiduciary duty (Count 10 of the Second Amended  
18 Complaint):

- 19 1. Awarding compensatory damages of \$24,832,860.96;
- 20 2. Awarding pre-judgment interest at the rate of seven percent (7%) per  
21 annum, from July 31, 2008, through the date of issuance of this  
22 judgment;
- 23 3. Awarding costs in an amount to be determined following submission  
24 of a Bill of Costs;
- 25 4. Awarding interest on the foregoing amounts pursuant to 28 U.S.C.  
26 § 1961 from the date of judgment until paid in full;
- 27 5. Awarding post-judgment costs and attorneys' fees incurred in the  
28 collection of this judgment.

1

2 **IT IS FURTHER ORDERED** that Plaintiff is entitled to apply payments received on this  
3 Final Judgment first toward after-accruing interest, then toward principal.

4

5 **IT IS FURTHER ORDERED** that, the Court finds there is no just reason for delay and,  
6 if this Judgment is against less than all Defendants herein, that the Clerk shall enter this as  
7 a final Judgment upon its filing, pursuant to Rule 54(b) of the Federal Rules of Civil  
8 Procedure.

9

10 **SO ORDERED.**

11 Dated: July 02, 2013



12 United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28